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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WRS, INC., d/b/a WRS MOTION PICTURE LABRATORIES, a corporation,	CIVIL ACTION
	NO. 00-2041
Plaintiff,	
v.	
PLAZA ENTERTAINMENT, INC., a corporation, ERIC PARKINSON, an individual, CHARLES BERNUTH, an individual, and JOHN HERKLOTZ, an individual,	
Defendants.	

APPENDIX TO DEFENDANT HERKLOTZ'S
BRIEF IN SUPPORT,
RESPONSE TO MOTION FOR SUMMARY JUDGMENT
AND REPLY TO PLAINTIFF'S CONCISE STATEMENT
OF MATERIAL FACTS AS TO DAMAGES

AND NOW comes Defendant, John Herklotz, by and through his attorneys, John P. Sieminski, Esquire, Chad A. Wissinger, Esquire, and Burns, White & Hickton, LLC, and files the following Appendix. The Appendix provides the Court with the documents of record that support Defendant Herklotz's Response to Plaintiff WRS' Motion for Summary Judgment as to Damages, Brief in Support of Response to Plaintiff WRS' Motion for Summary Judgment as to Damages, and Reply to Plaintiff's Concise Statement of Material Facts in Support of Plaintiff's Motion for Summary Judgments as to Damages. For the convenience of the Court, Defendant has provided documents of what he believes are undisputed material facts. Citations to these documents are referenced in Defendant's Motion, Brief and Concise Statement of facts in the following manner "(Napor Deposition, pp. 66:12-25, 67:1-2, Appendix 3.)" In the interest of providing a complete record and to allow the court to review any particular factual material in its proper context, the Appendix includes true and correct copies of pleadings, deposition transcripts, exhibits and other materials exchanged by the parties pursuant to F.R.C.P. 26 as follows:

1. Complaint filed by Plaintiffs WRS, Inc., d/b/a WRS Motion Picture Laboratories in the United States District Court for the Western District of Pennsylvania at Civil Division No. 00-2041 on October 22, 2003 is attached hereto as "Exhibit 1".

2. The March 22, 2006 Stipulation and Order of Court is attached hereto as "Exhibit 2".

3. The October 6, 2006 report prepared by Schneider Downs, Inc. is attached hereto as "Exhibit 3".

4. Defendant Herklotz's February 4, 2005 Answer, Affirmative Defenses and Crossclaim is attached hereto as "Exhibit 4".

5. Defendant Herklotz's February 24, 2006 Motion for Summary Judgment or, Alternatively, Motion for Partial Summary Judgment is attached hereto as "Exhibit 5".

6. Napor Deposition Testimony, pp. 66:12-25, 67:1-21 is attached hereto as "Exhibit 6".

7. Napor Deposition Testimony, p. 74:8-22 is attached hereto as "Exhibit 7".

8. Napor Deposition Testimony, pp. 77:16-25, 78:2-25 is attached hereto as "Exhibit 8".

9. August 31, 1998 account statement marked as Napor Deposition Exhibit No. 4 is attached hereto as "Exhibit 9".

10. Napor Deposition Testimony, pp. 107:23-24, 108:4-10 is attached hereto as "Exhibit 10".

11. The Pittsburgh Post Gazette interview of Jack Napor dated August 26, 2001 is attached hereto as "Exhibit 11".

12. Napor Deposition Testimony, pp. 144:3-6, 198:7-25, 199:2-3 is attached hereto as "Exhibit 12".

13. WRS' Response to Request No. 5 of Herklotz' Second Request for Production of Documents is attached hereto as "Exhibit 13".

14. Napor Deposition Testimony, pp. 226:11-25, 227:2-13 is attached hereto as "Exhibit 14".

15. The Affidavit of Jack Napor is attached hereto as "Exhibit 15".

16. The October 12, 1998 Services Agreement is attached hereto as "Exhibit 16".

17. The Affidavit of Thomas E. Reilly, Esquire along with legible copies of his time records received on November 30, 2006 are attached hereto as "Exhibit 17" and "Exhibit 17A".

18. The May 6, 1998 Guaranty is attached hereto as "Exhibit 18".

19. Napor Deposition Testimony, pp. 23:12-17 is attached hereto as "Exhibit 19".

20. Napor Deposition Testimony, pp. 85:5-14 is attached hereto as "Exhibit 20".

21. Napor Deposition Testimony, pp. 152:8-15 is attached hereto as "Exhibit 21".

22. Napor Deposition Testimony, pp. 52:5-25 is attached hereto as "Exhibit 22".

23. Napor Deposition Testimony, pp. 57:10-19 is attached hereto as "Exhibit 23".

24. The Terms and Conditions is attached hereto as "Exhibit 24."

25. The Affidavit of John Herklotz is attached hereto as "Exhibit 25."

Respectfully submitted,

BURNS, WHITE & HICKTON, LLC

By: /s/ John P. Sieminski

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